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THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION

VOL. XI.

JANUARY, 1908.

No. 3.

The publication committee and the editors disclaim responsibility for views expressed by contributors to THE QUARTERLY.

GENERAL JOHN THOMSON MASON.¹

An Early Friend of Texas.

KATE MASON ROWLAND.

General Mason's interest in the colonization of Texas began, apparently, in 1830, upon the organization of the Galveston Bay and Texas Land Company, in the city of New York, in which he was a scripholder. The trustees of the company were Amos Dey, William H. Sumner, and George Curtis, who were the attorneys of Lorenzo de Zavala, Joseph Vehlein, and David G. Burnet, "Empresarios for colonizing Texas in the department of Nacogdoches." In 1831, General Mason accepted the position of confidential agent of the company, to visit Mexico in its behalf and to transact all the business required in colonizing the grants of the *empresarios*.

¹John Thomson Mason, second son of Hon. Stevens Thomson Mason, was born at "Raspberry Plain," Loudon county, Virginia, January 8, 1787, and educated at Charlotte Hall Academy, Maryland, and William and Mary College, Virginia. He removed in 1812 to Lexington, Kentucky, and was appointed by President Monroe United States marshal of the District of Kentucky, 1817. In 1830 he was appointed by President Jackson secretary of the Territory of Michigan and superintendent of Indian Affairs, offices which he soon after resigned in favor of his son, Stevens Thomson Mason, "Boy Governor" of Michigan. Afterwards he resided principally in New York City and Washington, D. C. He died at Galveston, Texas, in 1850, after an association with that State of twenty years' duration as agent for a land company and in connection with other land enterprises; and at the two critical periods, 1833 and 1836, as the friend and promoter of Texan liberties.

Handsome in person and courtly in manners, with fine literary and classical attainments, General Mason was well equipped in more than one respect for the delicate and difficult negotiations he was about to undertake. And, as he reminded the company later, he "possessed advantages of position," both in the United States and in Mexico, "from friendships and intimacies of a personal and political character which few could occupy." He had inherited the friendships of his father, an early ornament of the United States Senate; he had shared the intimacies of his brother, also a Virginia Senator, and one of the most popular men of his State, and he was already, in the early thirties, a well-known figure in Washington's political and social circles. In New York, the business metropolis, as Washington was the political capital of the Union, General Mason was equally at home, his wide acquaintance at these two centres thus embracing the leading men of his time. He had been employed, with other gentlemen as his associates, in conferences with the Seneca Indians of New York, with whom that State had treaties, his office of Superintendent of Indian Affairs in Michigan giving him a large acquaintance with this subject. Later, under Tyler's administration, he was to attempt for the Indians of the South—the Cherokees—what he had essayed for those of the North, employing all his abilities to secure to the ill-used red men their treaty rights.

As an able lawyer, moreover, General Mason's services were especially valuable to the colonization company whose attorney he now became. Unfortunately, his letters to the trustees in 1831, 1832, 1833, and 1834, up to the date of the resignation of his agency, can not now be found. A list of them only is among his papers. But several of the letters of the company to General Mason are extant.

The first of these, written before his final acceptance of the trust, is endorsed "Instructions, Private," and is dated "New York, April 6, 1831." General Mason had, apparently, submitted his "views" on a subject probably discussed by him orally with the trustees of the company, the question of "the purchase of the Texas by the United States." This letter is a most interesting paper and unfolds the hopes and expectations of the company, doubtless shared already by many other Americans, that Texas should become a part of the Union. The "jurisdiction," the trustees write to General Mason,

is "essentially necessary to the security of the free navigation of the Mississippi and the great interests of the Western States which depend upon it." The writer adds: "The geographical situation of Texas is such that its long continuance under the Mexican government is not to be expected, and Great Britain is the only country, besides our own, which would have any great political object in its possession." The company believed that the "jurisdiction" of this portion of Mexico—"the Texas"—where two-thirds of the territory was already granted to individuals and companies, many persons in the United States being interested in these grants, would be an object most desirable, and they proposed to offer to the Mexican government the following concession for this purpose: "Desirous as we are," they say, "both from public and private considerations, that an attempt to obtain it [the jurisdiction] should be made on the part of the United States * * * we have upon mature consideration determined that we will set an example of liberality in relinquishing one-half part of our grant in consideration of the security which would, in the event of a successful issue to the negotiation, be afforded to the other. If the same example should be followed by the other grantees, the Government by a treaty of cession would acquire about two-third parts of the territorial right of Texas and the jurisdiction of the whole." The four grants of the Galveston Bay and Texas Land Company were estimated as containing over twenty millions of acres. The letter continues: "If the other grantees will be equally open, reserving to themselves only one-half of their grants, and ceding the other to Mexico with a view to its acquisition by the United States, we do not hesitate to say that, under our jurisdiction, for the land which the United States Government would acquire by the treaty of cession, the sum of ten millions of dollars would be a compensation which our company, we think, upon proper time of payment, would willingly pay for the right of soil only. If you think the Administration would be likely to entertain a negotiation on this basis, you are authorized to propose it in our behalf before your departure for Mexico. * * * We beg leave to suggest for your consideration that the Mexican Government or any other might make up a determination to cede a part of its uninhabited territory without feeling that it subjected itself to the imputation of national disgrace. But as the territory in question has a considerable population to which

6000 emigrants have lately been added, mostly from the United States, we apprehend it may be desirable with the Government of Mexico, that the colony should petition it, or in some form or other express its assent to the cession." In reference to the eleventh article of the decree of April 6, 1830, which prohibited the colonization of the border States of Mexico by immigrants from adjacent countries, and which was intended especially to prevent further entry into Texas by colonists from the United States, the "Instructions" say: "Mexico places the United States in the light of enemies, and so we find our citizens are now considered in every part of that country but Texas. Whether this is consistent with the honor of our country and ought any longer to be submitted to, it is for our Government to determine. * * * Before your return from Washington on your way to Detroit, we will endeavour to prepare suitable powers of attorney predicated on the above basis for your government, in case you shall have reason to suppose the plan will be acceptable to the National Administration and undertake the mission; for without their co-operation all our expectations would be fruitless. Nor will we engage in the business at all, as it must necessarily paralyze the objects of colonizing our grants from Europe to which our efforts are now directed, unless you shall be of opinion that the articles we propose will meet with the support of the Administration in the ratification as well as the formation of the treaty." The articles were two in number, one as to the grants of the company and the other as to grants of Exter and Willson, for whom the company were trustees. They provided that so many acres be confirmed to the company of the "border grants by the United Mexican Government, in consideration of said trustees having relinquished the residue of their interest therein to the United Mexican States."

It will be seen that this was a semi-political mission, and General Mason was to be not only the agent of the company, but he was to be, unofficially, the representative also of the United States Government, if the administration assented to the company's suggestions. The President, Andrew Jackson, was General Mason's personal friend and likely to listen to his representations. Among the manuscripts in the Congressional Library is a lengthy memorandum addressed to General Jackson, covering the subject of Texas

lands, probably prepared at this time. The letter of the company already quoted goes on to say:

On your way through Texas we advise you to confer *confidentially* with Colonel Austin, whose concurrence in the course proposed we think would be important to the success of the negotiation, and to open yourself to General Teran, the chief of the Department, as far as you deem it expedient. The expression of their opinion to their Government in favour of the cession as a measure of national expediency, would have great weight with it; and no persons are better acquainted with the fact that from the vast influx of settlers the lands will soon be taken up, and that thereby the territorial value of Texas to the United States is daily diminishing. Backed by their assurances that such is the fact, the Government of Mexico will see that *now* she can more fully replenish her exhausted coffers of her exhausted treasury than at any future time, and thus relieve herself from the necessity of forced loans which will surely overthrow in the end any administration which resorts to them. You will also endeavour to see our friend, Colonel Mexia, who went to Saltillo, and may be there if he has not arrived at Galveston. * * * In case of undertaking the agency, you will consider the views herein expressed as your guide relating to the subject matter of them and will govern yourself accordingly. * * * We shall expect to hear from you as often as possible and your communications shall be strictly and exclusively confidential—in the breasts of your friends, who in closing their address have the honour to subscribe themselves, [etc., etc.]

General Mason wrote to the company from New York June 18, and from Washington July 2, and he was soon after *en route* for the City of Mexico, from which place he dated a letter to the company on the 26th of December, 1831. To two of his young daughters, then in Detroit, General Mason wrote Christmas greetings, December 25, in which he described the manners and customs of the Mexicans in very entertaining letters. He says of himself: "And now that I sit down to say something to you I am at a loss where to begin in my journey or what to describe that would be new and interesting; for I have traveled so far and seen so many strange sights that it would require a history instead of a letter to contain a just and intelligible account of them." He tells of the opera, an Italian company then playing every night, where he had been about a half dozen times, "and then I went more to see the population, dress, manners, etc., of the fashionables than from any great pleasure I took in it. Yet it is much admired; and an ad-

mirable Italian company have been imported by the Government to amuse the people; and, as in the days of Roman tyranny, to divert them from the misrule of those in power." He writes of the fashionable promenade of the Alameda and of the drive for horsemen and carriages, the Pasco, and describes Mexico as "a very magnificent city but the filthiest in the world." The American Christmas drink was to be found in one house, at least, as General Mason relates: "I have just returned from taking a drink of eggnog with Mr. Offutt and Mr. Whiting, two old Kentucky acquaintances, who live here and keep a splendid Hotel, at which they are making a fortune. They keep a house in the fashion of our country; a Mexican never thinks it necessary for the comfort of a traveler to have a bed, and such a thing is not to be found in a tavern or a private house in the interior of the country. A feather bed is unknown and never seen here; a cot, a wool mattress or a plank to lie on is considered a luxury, and except on the road to Vera Cruz, which foreigners travel so much, you find not even these comforts."

A letter to the company was written from Mexico, January 20, 1832, and one March 5 to one of the daughters at home. In the latter General Mason writes of the novelties that would amuse or instruct his young correspondent. And he touches upon the religious bigotry of the Mexicans. "All Protestant foreigners are called Jews and are denied even the rights of burial. When Gen. Wilkinson died here they would not suffer him to be buried, and after keeping his body in his house for a week, one of his friends had to bribe a *good Catholic* to go to a priest and swear he belonged to their church to get his body under ground." He notes the great contrasts between the higher and lower classes; "their habits and manners are from the lowest order of our Indians to the stile and elegance of Parisian France." The letter concludes with the following glimpse of General Mason's participation in the social life of the gay Mexican capital: "I have never seen anywhere dinners so grand as among the rich here, nor any that were more agreeable from the novelty of the stile and the easy and polished manners of the host and hostess. By the way, I am just reminded by the striking of the clock it is time to go to one for which I have an engagement today."

Among General Mason's papers is one written while he was in

the City of Mexico at this time, addressed to "Don Lucas Alaman, Secretary of State and of Dispatch," and endorsed: "Memorial, Presented to the Secretary of State of Mexico, on the subject of the grants of Burnet, Vehlein and Zavala by J. T. M., March, 1832." It is an able legal argument designed to prove—what had been denied by the enemies of the company—that the right to introduce settlers within the limits of their grants could lawfully be conveyed by the *empresarios*, Burnet, Vehlein and Zavala to their trustees, General Mason signing himself "Agent for the Empresarios and their associates." There followed then a correspondence, which is also preserved, between General Mason, "Agent of the Galveston Bay and Texas Land Company and General Terán, the Land Commissioner of the Federal Mexican Government, for the colonization of Texas." According to the instructions of the company, General Mason had sought an interview with General Terán¹ and these letters passed between them soon after. The first from General Mason is dated "Hacienda del Cojo, State of Taumalipas, May 28, 1832." General Terán's reply, of which a translation is given, is dated "Headquarters, Buena Vista del Cojo, May 29, 1832." General Mason's rejoinder, May 30, and a second letter from General Terán of the same date closed the correspondence. In General Mason's second letter he expressed his gratification at the opinion General Terán had enunciated "that the right of the Empresarios Burnet, Vehlein and Zavala to proceed in the colonization of their grants is unquestionable, and that no obstacle will be presented to the introduction of families by themselves or attorneys, provided they conform in all respects to the law of the 6th of April, 1830." Other points upon which General Mason solicited the views of the Land Commissioner were to be determined only, wrote General Terán, by the Governor of the State of Coahuila and Texas. And General Terán's last word as to the status of the company was not altogether satisfactory: "My respectable sir: I reply to your note answering mine of yesterday, the expression that Messrs. Burnet, Vehlein and Zavala reserve their rights as Empresarios to colonize under the contracts made by them with the Governor of the State, does not in any manner comprehend the company which they formed in New York; for the transactions

¹See Filisola, *Memorias para la Historia de la Guerra de Texas*, 1 235.

which they entered into to form said company contravene the laws of colonization, and this is a question of right the resolution of which is still pending." General Mason wrote to the company from "Leona Vicario," May 11, his last letter from Mexico, and his next report to them was made in New York in July.

The company sent General Mason a letter of instructions, which is extant, dated November 9, 1832. In this paper General Mason has his attention called "to the defective powers" under which the trustees acted. As the special agent of the company, General Mason was furnished with a letter of attorney from the *empresarios* substituting him as "the representative of those *empresarios* with as full powers as this instrument" conferred on the trustees. So letters are sent to each one of these gentlemen, Burnet, Vehlein and Zavala, with powers of attorney and contracts in the Spanish language for them to sign, and General Mason is authorized to sign for the trustees. He is to see that all legal formalities, according to Spanish codes, are complied with, "and if any doubt exists as to the mode of accomplishing this, you will consult counsel learned in the law," the letter adds.

It was thought essential to their success in colonizing the grants that an agent should reside on each grant, and General Mason was instructed to select and appoint these agents and also to fix their compensation. Also upon him devolved the duty of instructing the agents and assigning them "their duties and modes of proceeding in the reception of colonists and the issuing of titles, until instructions upon these subjects can be given by us; which they must understand will be paramount." No one is to be admitted as a colonist unless possessed of the scrip of the company, or having the written permission of the trustees. "But this restriction in the reception of colonists does not apply to those who may have entered the country and settled within these grants previous to the appointment of these agents; with these another course must be observed." This was an important and difficult subject and was to rest almost entirely upon General Mason's judgment "after having seen the country and the people, and informed yourself of their particular situation and claims to land." The letter continues:

As you have already claimed for the *Empresarios* the premium land for these settlers and the question is yet in suspense

before the Governor of the State, we advise that you prosecute that claim to a favorable decision; and in the event of the failure of a negotiation for the fee simple estate, to ask for a contract for an additional number of families and an extension of time for compliance. * * * But the important charge committed to you remains to be explained. You are authorized to enter into a negotiation for the acquisition of the fee simple title in all the lands (not already appropriated) comprehended in the boundaries of the contracts of Zavala, Vehlein and Burnet, and to apply to the success of this object a fund not exceeding one hundred thousand dollars, of which you have a discretionary power to use five thousand dollars in the scrip of the company, which must be taken into account in the use of the general fund. * * * You will observe that the directors contemplate two modes by which to acquire this estate; one by securing a fee under the stipulations of a treaty that may be negotiated for a cession of Texas to the United States; the other by a direct purchase of the fee from the State of Coahuila and Texas. In the event of obtaining the fee simple estate by either mode, you are authorized to use this fund according to a letter of credit herewith furnished you. * * * Now we are aware that this is no easy task, and that it will require all your efforts for success, but we rely upon your perseverance in removing obstacles and surmounting difficulties. That many present themselves at this moment is obvious, and that others may arise is more than probable. So far as they are seen we will make to you some suggestions for your guidance and information.

At the threshold we are met by the objection that we are aliens and by the Mexican law cannot hold real estate in that country. To be naturalized requires domiciliation; and it is neither practicable nor desirable for us to change our allegiance. How, then, can we be clothed with authority to hold real estate in a foreign land? It is a rule of law applicable to all civilized communities that individuals collectively may acquire rights as members of corporate bodies without changing their personal relation to the society of which they are citizens. These artificial distinctions are not unknown to the Spanish law; for it was under this immunity of municipal membership that Cortes held command in the conquest of Mexico; and for ages this has been a resort for the attainment of rights and privileges which individually could not be possessed. To this day the Clergy and Army are a separate municipality and are protected under this artificial distinction. It therefore seems not beyond the reach of the limited ken of a Mexican legislature to understand the meaning of a body politic and corporate, or an association of individuals endowed by law with certain faculties and powers not belonging to them as individuals and given for beneficial purposes. If, therefore, you

can obtain for us a corporate act with power to use a common seal and to hold real estate to the full extent of our wishes and a concession of that estate to us in our corporate capacity, it appears to us the difficulty will be removed. But should this not be understood by Mexican legislators and become impracticable, we are willing to take the estate as sufficient, by a simple enactment of law investing us with the faculty of holding, transferring and conveying real estate, and with the power by certificate to transfer rights which shall be perfected by the deed of the commissioner conveying an absolute fee. The first mode is preferable, but you will resort to the other if expedient. * * * You will observe that we require of the Empresarios to execute to us joint and separate powers of Attorney containing covenants in the nature of a contract; and that they execute separate powers to such representative of the Empresario as may be named for each grant; and also a general letter of Attorney to you with full powers to represent them.

* * * * *

We think it is important, if it can be effected, that the General Government shall recognize the doings of the State Government, and you are requested to obtain it in some form or other upon the payment of the money into the Treasury of the Federal Government. Fearing the 500,000 acres of scrip may not be sufficient to enable you to effect the negotiation, we place the sum of \$5000 in cash in your power, which is also to be used discretionarily as well as the scrip towards the attainment of the object; and in case of success this, as well as that, is to be considered as a part of the general fund applied to its successful accomplishment.

We request you to advise us on your arrival in Texas of the persons you appoint as Attorneys of the Empresarios and how the settlers can best go to their respective places of residence. Also to give us your views of the quality and value of the soil, the number of settlements, in the different colonies, and state of prosperity or otherwise of the settlers; and whether the way is now open for the reception of Americans, which you can ascertain by conferring with the Commissioner, as the way for them appears to Colonel Butler and ourselves to be opened by the late treaty for settlement."

Thus instructed and equipped, General Mason made the journey to the State of Coahuila and Texas in the spring of 1833. Letters from him to the company were dated from Natchitoches in Louisiana, March 6, and from Nacogdoches, March 24 and 26. On this last date General Mason wrote also to Mrs. Emma Willard, at whose famous school in Troy, New York, he had placed his eldest daughter.

The letter gives the careful father's wishes as to the plan of studies to be pursued. He apologizes for not having sooner attended to this matter; for, though a day had not passed since he left home on which he had not given thought to the subject, yet, he says, "there are so many circumstances, important and trivial, that control us in the preparation for and in the prosecution of a long journey, that I have found myself constantly drawn to immediate demands on my time in exclusion of matters of greater interest, not directly in view." In concluding his letter, General Mason adds: "My journey so far has been most tedious and uncomfortable. Torrents of rain have fallen for three weeks, and detained me that time at this place. I progress tomorrow over a country literally inundated." A letter from his son was addressed to General Mason at "Leonavicario, Mattamoros," dated April 16. At this time, as is seen by a letter to General Mason from Stephen F. Austin, the company's agent was following out his instructions by interviews with Austin and efforts to gain his co-operation and sympathy.

San Felipe de Austin, April 17, 1833.

Genl. Mason

Dear Sir

I went to the village to see you, but you had started. I wished to have had a long conversation on the subject you mentioned the evening before and to have stated some alterations which I expected would be made in the colonization law. In the Bexar remonstrance they requested that the law might be changed so as to admit of sales by the settlers before the land was actually cultivated by the grantee *in its totality*, as the old law required. By the last mail I received a letter from Madero stating that they were then at work on a new colonization law that would supply all the defects and vacancies of the old law. Your ideas as I understand them in relation to myself are incorrect, that is if you think I have any unfriendly feelings as to the company. I am peculiarly situated. Your opinion of the want of moral principle in our community is wrong in the general, but it is unfortunately correct to a considerable extent. The multitude are easily misled, and there are many who wish to ruin me and will not stop at any means to do it. You have seen and heard enough to be convinced of this. If we can get a State Government, the company can make those colonizing contracts profitable, that is if the law of 6 April is repealed and Madero writes that it certainly will be by or before June. But without a State Government I do not believe that anything will be valuable in Texas. I think the country will be lost in anarchy and it will

be a great and fatal error in the Mexican Government not to grant us a State.

Your idea that the contracts of the *Empresarios* will be annulled is all incorrect; they can not be and nothing of the kind will be attempted, unless it is done under a wild excitement imprudently created by those who are interested in these contracts. But even that would be void, for the law guarantees those contracts and they can not be interfered with. You see that at this time there is no government in Texas that deserves the name of a government—this can only be remedied by getting a State.

I hope you will not leave Mexico before I reach there. I start tomorrow and shall hurry on as fast as I can. Please remember me to Genl. Mexia and Zavala and rest assured that no man has more of my personal esteem and respect than you have. I am weary of colonizing and of our present politics in Texas—a State and nothing else can remedy our evils.

Yours respectfully,

S. F. Austin.

N. B.—My respects to Messrs. Hotchkiss and Duplissis. Should the latter wish to remain in this part of the country until you return from Mexico, I think he could make an arrangement with Williams that would perhaps suit all parties.

I wish to return from Mexico by water and I hope that we may so arrange as to leave there together for New Orleans. This is the last time I ever expect or intend to have anything to do with public matters. If we get a State all will go well almost of itself. If we do not get one, I can be of no use here any longer either to Mexico or to Texas, and I shall view what property I have here as lost, for anarchy will be the inevitable result. All those who have any interest in the welfare of Texas or of Mexico ought to exert themselves to procure a State with as little delay as possible, and I have no doubt of success with the cordial co-operation of our friends in Mexico.

Yours respectfully,

S. F. Austin.

General Mason wrote four letters to the company from New Orleans in May, doubtless explaining the impossibility of accomplishing anything with the government of Coahuila and Texas in the then distracted state of Mexican affairs; and informing the company of his proposed journey to the City of Mexico, where he and Austin were both to meet and use their influence at the Federal capital to secure a more stable government in Texas and a colonization law more favorable for Americans. General Mason's letters to the company dated from Mexico begin June 30 and extend to

February 14, 1834, but all of them, eighteen in number, are lost, and the first letter of General Mason to his family that has been preserved is dated September 10, 1833. In it he speaks of having taken refuge, during the prevalence of cholera in the City of Mexico, in an adjacent village on the side of the mountain, where he remained three weeks. He writes: "It was my expectation to have returned home in the October packet, but the cholera has thrown back all my business at least a month, and I now fix my departure for the 1st November, in the Congress packet, which will sail on that day from Vera Cruz for New York." Both the cholera and yellow fever, he says, rage in the former place to a fearful extent and the yellow fever seldom departs before the last of October. "The cholera has been dreadful in this city," the letter continues; "in three weeks it destroyed more than twenty thousand of the inhabitants, and the mortality was as great as seventeen hundred per day, and this in a population less by one-fifth than New York, where the highest number of deaths in one day was about three hundred. You may judge what an awful scene of suffering this city exhibited! In the streets leading to the burying-places a continued line of dead bodies in open coffins and on hand barrows might be seen a mile long. It is rare here to bury in coffins, and one coffin serves to carry thousands to the grave." General Mason describes the manner of burial in all its shocking details, and goes on to tell of the story that had been circulated, it was said, by the priests, that the foreigners in the city had caused the cholera by poisoning the water, and this had inflamed the ignorant and superstitious populace and had led to many murders of strangers. "How I long to see," he adds, "the intelligent and happy faces of my own country. I feel as if I was in a world of another creation, where demons have been at their handy work."

Mexico was suffering from "war" as well as "pestilence," and General Mason, in a letter to one of his daughters, dated September 25, speaks of the derangement of his plans, because of "the unexpected civil commotions and wars that distract this ill-fated country." And he adds: "My expectation of seeing you in October is defeated by the untoward events which I mentioned in my last letter; the civil war and the cholera, which have retarded my business." On the 22nd of December, General Mason wrote of his disappointment in not being able to leave on the *Congress* as he

had expected. He says: "We have had a constant succession in the officers of government, owing to the disturbed condition of the country. A few days since we had a new administration, but of the party in power. The President has retired for six months to his farm and the Vice President and new ministers are installed. I think things will be now permanent, and that I shall soon get through with my business."

Santa Anna had succeeded Bustamante,¹ the Liberals being "the party in power," so General Mason had every reason to hope for success in his mission, through the intervention of his friends, General Mejía and Zavala, the latter being also one of the *empresarios* of the company. General Mason's intimacy with General Mejía and his brave and clever wife, Madam Mejía, and the latter's services to the patriot party, are alluded to in the following passage from one of Mrs. Mason's letters to her son, written in New York, September 14, 1834: "Your father has found here an old acquaintance, the wife of General Mexia, who is now commanding the Mexican army. She is the lady from whom he used to get all his political information while in Mexico, and is quite a heroine; it was she who was employed to carry money to the army, and did so at the hazard of her life, was taken prisoner, escaped the guard and delivered the money safe to her husband and saved the whole army. Do you not recollect your father's giving us an account of her? I was surprised yesterday to hear her converse with him upon the state of Mexican politics, with all the ability of a statesman."

Among General Mason's papers is a short letter from the Trustees of the Company, dated January 10, 1834, a reply to General Mason's letter of November 27, 1833, sent by the *Congress*. They also acknowledge the copy of the decree of the 21st of November¹ enclosed in the letter. They "regret to learn that the rebels continue to disturb the peace of Mexico, and that in consequence thereof the dispatch of public business is interrupted"; and they add: "We have not written to you for some time past because

¹When Bustamante was overthrown, his immediate successor in the presidential office was Gomez Pedraza, and later the duties of the office were discharged for some time by Vice President Gomez Farias, while Santa Anna, who was then president, was in retirement; but the fall of Bustamante left Santa Anna at once the dominant figure in Mexican politics. See Bancroft, *Mexico*, V 123-127.

²Repealing the eleventh article of the decree of April 6, 1830. See Dublán and Lozano, *Legislacion Mexicana*, II 637.

by every packet for these four or five months past we hoped to see you return, having accomplished the great object of your mission. As it is we entertain hopes of your success *and that you will not leave the country until every reasonable prospect of success has failed.* We feel satisfied with your efforts and can not give you one word of advice or instruction, save we hope you will *persevere to the end.* One thing, however, seems to be necessary to be done. To get an extension of as long a time as possible for the performance of the contracts, if you shall fail on the main question.”

General Mason wrote to his wife on the 26th of October, from which letter Mrs. Mason quotes in one to her eldest daughter: “Peace, however, is at last restored and the government considered settled, so that Congress had commenced business, and had passed a law authorizing our citizens to settle and hold lands in Texas—which your father has been endeavoring to get passed for two years, so that with the exception of some other trifling matters he had nearly accomplished the object of his wishes, but he could fix on no time to leave Mexico being obliged to avail himself of a military escort to Vera Cruz which was to take their minister to France that far. The roads at this time are so infested with robbers that it would be dangerous to attempt to travel without an armed escort, and as Mr. Zavala passes through the United States it will give your father a safe conveyance.” General Mason wrote to his daughters, January 29, 1834, from the City of Mexico, the following interesting account of public events:

You will be surprised to find I am still in this city; yet such is my condition, and that of all who have anything to do with this uncertain and peculiar people,—that of meeting with constant disappointments and endless delays. Indeed there has been some apology for the tardy movement of the government while a civil war has been going on, which was calculated to distract them, although the theater of action has been long since removed to a distance. But it is proverbial that a Mexican postpones to the last moment everything he is called upon to do, and his universal declaration is, *tomorrow* it shall be done,—tomorrow, which never comes. There is always, however, a courtesy in their excuses which leads you to hope from day to day better results, until time is insensibly wasted away. * * * My patience has been long since exhausted, and but for the important concerns under my charge I should long since have been at home. But too much depends on my

mission to leave unfinished what I hope to complete, and my consolation, I trust, I shall find in beneficial results.

There has been one subject of late most unpleasant and serious to us all (which I am not certain that I mentioned) and has been productive of mischievous consequences;—the treacherous conduct of Col. Austin, who was the agent of the people of Texas here; and wrote from this city advising them to rebel against the government. His letters were intercepted, and one published by the authorities of the City of Bexar in Texas, and sent on here. It arrived a few days after his departure, and expresses were immediately sent to have him arrested. He was apprehended at Monterey¹ about six hundred miles north of this, and is now a prisoner on his return and expected to arrive here in a few days. This, of course, has thrown all Texas matters into confusion, and I wait the end. I fear Austin's fate will be severe—by the laws here, death or imprisonment for life is the penalty of his offense. You know he is the founder of the colony in Texas, and has acquired some fame on that account. Long since I discovered that he was a bad man, and fortunately have kept aloof from him, and unconnected with any of his projects. In fact, we have been for more than twelve months in opposition to each other in all matters relating to Texas, and the development which has been made is a prediction and a warning I gave him six month ago—that his double dealing would soon destroy him.

Evidently Austin was in bad repute with General Mason.

The Texas Convention of April, 1833, had petitioned for the repeal of the objectionable decree of 1830, and not only urged the separation from Coahuila, but drafted a State constitution, Sam Houston being chairman of the committee. Austin was one of the three commissioners elected to carry these resolves to the Mexican Congress, and he alone went to Mexico for this purpose. He was not successful in getting the so much desired State organization, and impatient of the delay, wrote to the municipality of Béxar, recommending that all the Texas districts should unite and organize a separate State government without waiting for the consent of the Federal Congress. This caused his arrest and imprisonment. Texas historians say that Austin obtained the abrogation of the eleventh article of the law of April 6, 1830, prohibiting immigration from the United States. Was this actually the case? General Mason writes in 1835 of his agency for the colonization company justifying himself against complaints made by Amos Dey:

¹At Saltillo, in fact; see *THE QUARTERLY*, II 194.

During this period I made two trips to Mexico and Monclova and one journey through Texas, traveling by land and water, more than 15,000 miles, including all my journeys. In all which I encountered disease and danger, that none can understand but myself, but which my correspondence makes mention of; and which put to hazard my health and life at almost every step I took. At this period the cholera pervaded the whole continent of North America, and I encountered it in its most violent form wherever I went. At New Orleans and Vera Cruz I was in the midst of yellow fever, and at every moment in danger of violence from robbers while traveling in Mexico. Now amidst all these difficulties, and amidst revolutions breaking out every day with a change of men in power as one party or the other had the ascendant, and holding sentiments at war with each other, I completed a negotiation for establishing the rights of the stockholders, which it is not arrogance in me to say that few men in the United States could have done: because I possessed advantages of position here and in Mexico from friendships and intimacies of a personal and political character which few could occupy, and I say it was mainly by the force of these circumstances that I was enabled to do what I did. When I took up the affairs of the company the whole was in fact lost. Their rights had been declared forfeited by the Land Commissioner General Teran, and his decision approved by the Federal government, and the settlers sent by the trustees ordered out of the country. I obtained a recognition of these rights by both the Federal and State authorities, and got an act of the Legislature giving three years more time for the grants of Burnet and Vehlein, and received a promise from the Governor of the State to send on a commissioner for the colonies to Nacogdoches and agreed with him on the person to be appointed. But the law of the 6th of April, 1830, prohibiting the colonization of our countrymen, being the first act of the administration of Bustamante, he would not consent to have it repealed; but Mr. Alaman, the Secretary of State, was willing that titles should be given to all the persons then on the grants notwithstanding this prohibitory law. But to proceed with advantage in colonization it was necessary to have this law repealed, and in my second trip to Mexico I contributed mainly to this end; and had it not been for my agency the law of repeal would never have passed or the law of the 6th of April would have been restored; in evidence of which see my letters of 1833 and 1834. The Trustees even were without legal power to act or to hold the estate for the stockholders until procured by me. I traveled through Texas to protect their rights and did so effectually both there and in Mexico against attacks that would otherwise have been fatal;—and had charge besides of an important negotiation to acquire the fee estate. To understand the labor of this negotiation and what I did, I must refer to my correspondence, and it will be seen that I had every

right to expect success both in Mexico and Monclova, and it was only after the arrest and imprisonment of Austin that I abandoned the hope in the City of Mexico, and my project was postponed at Monclova for reasons set forth in my letters.

Austin had been released from prison but was still detained in Mexico, when on the 5th of October, 1834, Santa Anna called a council consisting of the four secretaries of State, the representatives of Coahuila and Texas, Lorenzo de Zavala, then governor of the province of Mexico, and Austin the Texas commissioner, to take into consideration the petition of Texas for a separate organization. Santa Anna decided adversely to the petition of a separation from Coahuila, but held out hopes that Texas might be *organized as a territory*. Among General Mason's papers is an undated draft of a "Plan For the Organization of Texas," endorsed in pencil on the outside: "Prepared by John T. Mason at the request of the members of the Mexican Congress and presented to them and deliberated upon by the different conferees of the President and the President and the Ministers, and approved and acted upon." In this paper is sketched a form of government for a Federal Territory; and the whole subject of State and Federal powers is ably discussed, with the resemblances and dissimilarities indicated between the two federal republics of the United States of America and the United States of Mexico. It must have been while he was in Mexico at the meeting of Congress in October, 1833, that General Mason prepared and presented this paper, afterwards, doubtless, the basis of the plan endorsed by Santa Anna in the following year.

After nearly four months, March, April, May and part of June, spent at Monclova working for the company's interest, General Mason returned to the United States, having accomplished for his employers and for Texas the excellent results above detailed, under difficulties and discouragements but faintly sketched here, as so much of his correspondence is missing. He resigned his agency for the Galveston Bay and Texas Land Company in October, 1834.

The Texas Revolution caused by the despotism of Santa Anna found in General Mason a hearty advocate. He attended a meeting in New York in November, 1835, which had been called to solicit aid for Texas, and the committee having the matter in charge had fitted out a brig, which sailed with two hundred emigrants in December. The assistance had not been forthcoming to

the amount expected, and to raise a debt incurred of \$3618, "Gen. John T. Mason, an ardent champion of Texas" assigned "ninetenths of a certificate of eleven leagues of land" in Texas for the payment of this debt. This was a certificate issued by the Governor of Coahuila and Texas, June 21, 1834. The Texas Convention of March, 1836, assailed this contract, and later Texas annulled the act of the legislature of Coahuila and Texas which had confirmed the grant. So General Mason's first effort to aid Texas met with a rude rebuff.

General Mason was in Texas at the opening of the Revolution, and doing all he could for the cause. He was made "Commandant of the District of Nacogdoches," April 11, 1836, his commission being signed by the "Committee of Vigilance and Safety." He was elected by the citizens, and the committee was to sustain him and give him all the aid in their power. But before he had received this commission, General Mason was at work as the following letter¹ shows:

Nacogdoches, March 20, 1836.

Dear Sir: This moment news of the most disastrous character has been received from Bexar: Travis and all his men captured and murdered. An apprehension of a serious character exists here that the Indians are assembling to fall upon the frontier, particularly those from the United States. I have taken pains to inform myself of the facts, and I have no doubt they have been prepared to move in the event of Santa Anna's success. He is determined to wage a war of extermination against Texas, and has engaged the Indians to aid him. The committee of vigilance here will address you on the subject of the threatened danger from the Indians. Is it not in your power to send a messenger to them, particularly the Caddoes, to make them keep quiet? To the extent of your authority, every principle of humanity and safety to the inhabitants of both borders requires an exertion of your powers to avert the disaster of an Indian war; and I have no doubt you will exert all your energies to that end. In great haste I must ask you to excuse this liberty, and beg leave to assure you of my respect and friendship.

John T. Mason.

To Major Nelson, Commanding at Fort Jesup, U. S.

General Mason was corresponding a little later with Samuel P. Carson, Secretary of State of the Republic of Texas, and sending

¹*House Exec. Docs.*, 25 Cong., 2 Sess., No. 351, p. 773.

expresses to General Gaines and General Houston. He was at Fort Jesup on the 14th of April, having gone there to consult with General Gaines, leaving Dr. R. A. Irion acting commandant of Nacogdoches. Dr. Irion wrote to General Mason of his preparations to resist an expected attack from the Indians and Mexicans, and on the same date, General Mason made the following report of the military situation:

Gaines' Ferry, Texas—April 16, 1836.

General Gaines marched from Fort Jesup yesterday with 600 U. S. troops and encamped last night ten miles on this side the Fort. Tonight he will be on the Sabine, where he will immediately commence the construction of rafts and make an encampment. He will afford protection to all the women and children on either border of the river. He will not enter Texas till circumstances justify it. Any *evidence* of Indians embodying, or committing outrages should be immediately communicated to him by express. At this time all information upon that subject is conjecture and rumor. If possible the tribes committing hostilities should be designated. There being now a sure protection for their families every man should rally, concentrate at San Augustine and march on to Nacogdoches, or proceed in small detachments to that place. No enemy has yet approached and the few brave men who are making a stand there should be immediately reinforced.

John T. Mason.

General Mason sent in his resignation to the committee on the 23d of April, as there was no longer need of his services.

Early in this year, 1836, General Mason advanced a thousand dollars to purchase and fit out a vessel of war for the service of Texas, for which he was reimbursed later by the Texas government. This was the ship *Liberty*. He also advanced \$500, "the bill of Capt. Brown to pay the expenses of the Texas vessel of war he commanded," which was the schooner *Brutus*. Capt. Brown, it would seem, afterwards commanded the *Invincible*, on which Santa Anna was placed after the victory of San Jacinto in April, 1836.

On March 2, 1836, Texas had declared her independence and organized a government. The following year General Mason attended the session of Congress at Houston, the new capital. He wrote to his family from Opelousas, Louisiana, May 21, 1837:

I am so far on my way to Houston the seat of government of Texas. From this to Houston which is on Buffalo Bayou at the head of Galveston Bay is about 250 miles, altogether a land jour-

ney, making a ride of eight or nine days through a prairie region where the sun beams with an intense heat and the flies and mosquitoes are most annoying enemies to man and horse. I have a good servant sent me by Mr. Wilkinson and five travelling companions, all clever men who accompany me the whole route. Houston is a town made since May last; and for my residence there I have sent round by sea a tent, and provisions for my own table. I shall keep house in my tent and live in the true style of Texas Independence. My business will keep me at the seat of government about three weeks. I shall then return home by the way of Nacogdoches and Orleans and expect to see you all again in August. Farewell, my horses are saddled and I am called to mount.

The Hon. R. A. Irion, then secretary of state for the Republic of Texas, wrote from Houston, June 25, 1837, to General Mason, requesting his co-operation with the resident Texas minister at Washington. He was instructed by the President, General Houston, to address him this communication "on the subject of the annexation of this Republic to that of the United States." The writer goes on to speak of General Mason's "long acquaintance in that country with prominent and influential politicians, and the interest you must feel for the success and prosperity of both" [republics]. He was therefore "earnestly requested and hereby authorized and empowered to act *privately* in conjunction with our resident minister at that Court, and consult him on all matters touching our relations with that Government; and especially to urge and employ every means in your power to effect a speedy annexation." General Mason replied from Nacogdoches, July 15th, acknowledging the president's request as contained in the letter of the secretary of state, and adds:

You justly estimate the deep interest I take in the prosperity of Texas; and as a sure guarantee of that prosperity, I have always desired this annexation. It will therefore be highly gratifying to me to aid in accomplishing this object, and I shall repair to Washington as early as practicable, consistent with engagements already made, and give the resident minister my hearty co-operation. But as this service will be voluntary, embracing no official station, I must be left to judge when my efforts shall cease to be useful and when to retire from it.

General Thomas J. Rusk, secretary of war, commander of the Texas army, chief justice, and United States senator from Texas in 1846, had removed from South Carolina to Texas in 1835, and

was then, in 1837, practicing his profession of the law at Nacogdoches. He and General Mason seem to have formed a close friendship. When the latter was about to return to the United States from Nacogdoches in August, 1837, General Rusk, who was in need of some law books, requested him to purchase a list in New York. Eighteen titles are given, closing with "Those volumes of Reports of Supreme Court, U. S., containing the decisions on the Louisiana and Florida Land Claims." General Rusk became from this time on, apparently, General Mason's attorney for the management of his Texas land affairs.

In September, General Mason was back again in New York, from which place he addressed a letter to General Memucan Hunt, the Texas minister at Washington, telling him of his proposed co-operation with him in procuring annexation, and of his intention to be at the capital for the meeting of Congress in December, unless his presence should be required earlier. In November he wrote to the secretary of state of the Republic of Texas that he had heard from General Hunt "that his correspondence with Mr. Forsyth had commenced and terminated in a manner to preclude any further negotiation at the present moment on the subject of principal interest, and the one in which I was more especially charged to give my aid." This "aid" was doubtless given at a more propitious season. It was at the close of Tyler's administration that Texas was admitted to the Union, and the president must often have taken counsel with his old college friend, General Mason, then constantly in Washington, on a subject relative to which the latter was so well informed, and so competent to advise him.

Among General Mason's papers is preserved a cipher evidently used by him and his correspondents during the Texas Revolution. Some of the words and phrases for which the cipher equivalent is given are "S. F. Austin," "Treaty between U. S. and Mexico for acquisition of Texas," "Gov. of Coahuila," "Declaration of Independence by Texas," "Separation of Texas from Coahuila," "Zavala," "U. S. of Mexico," "U. S. of America," "Gomez Farrias," "The \$20,000 fund," and "Instructions to U. S. Charge." There is an equivalent also for "Letters to Treat on business of contract." Among the Jackson Papers in the Congressional Library is a letter of introduction for General Mason to President Jackson,

for John Treat,¹ Esq. It is dated New York, February 14, 1835. General Mason was to leave the city that morning for Monclova, but before going wished to introduce to the president his "particular and confidential friend," Mr. Treat of New York City. The letter goes on to say:

Mr. Treat has resided in Mexico many years, has been in various parts of South America, and for some length of time was the Mexican consul for this port [New York]. From all which he is familiarly and accurately acquainted with Mexican affairs and has a personal knowledge of most of their leading men. He is my correspondent when abroad, upon these matters, and as the present is a crisis of great importance in the relations of that country and ours, I am persuaded you will be pleased to receive information from a source to be relied on. I therefore say to you that any communication from Mr. Treat will have that character; and I have asked him to address you when anything of interest occurs.

It will be remembered that among General Mason's duties in accordance with his instructions from the Galveston Bay and Texas Land Company was the responsible one of appointing agents to reside on the company's grants. The "Hotchkiss," mentioned in Austin's letter of 1833, was one of these agents. George A. Nixon was the commissioner, and Arthur Henrie was the surveyor in charge. It was in October, 1834, that General Mason resigned his agency, but as he says, in a letter before quoted, he "continued without intermission acting for the company till November, 1834, or I might say till January, 1835, for although I resigned my agency in the fall I continued daily to give the Trustees voluntary assistance." Letters among General Mason's papers, of Hotchkiss, Nixon and Henrie from September, 1834, to May, 1835, show that the "voluntary assistance" lasted much longer. And letters from the trustees to General Mason of March, 1835, prove that he was still acting as their attorney. All these letters unfold a tale of woe, of vexations and difficulties that must have been most annoying. And General Mason's position was no easy one. The company was distrusted by the Texans; the agents accused each other of cheating; and General Mason was expected to keep the peace and bring order out of chaos. Finally an attempt was made by one of his subordinates to bring him in disrepute with the trustees. Major Henrie seems to have been the one reliable man of those

¹Or James Treat (?).—ED. QUARTERLY.

General Mason had selected, though poor Laplichier was probably honest and in many ways capable. Archibald Hotchkiss wrote from Nacogdoches, September 13, 1834, of his arrival there the previous month, and of the attitude of the "settlers," or squatters towards him:

A man who left Nachitoches the same day that I arrived reported that the people east of this were determined to stop me at the Sabine and force me to go back, but fortunately I did not arrive as soon as they had anticipated, and having got tired of waiting they returned to their homes. However, on my reaching the new town of San Augustine they had a meeting for the purpose of ascertaining my views on the subject of giving lands to them, at the same time threatening to do several acts of violence if I should refuse to accede to their terms, at the same time demanding of me all the scrip that I might have in my possession issued by the New York Company, stating that they were determined to send every man out of the country who should presume to come into it with scrip. I, of course, explained to them that my intentions were none other than to give them their lands in accordance with the laws on the subject, and that no imposition was intended whatever, that I only required time to convince them that I had come into the country for their benefit as well as that of the Empresarios. They were very much disposed not to be satisfied, and I found that with all the command of my feelings which I thought I possessed my patience was nearly exhausted, when a Mr. Hotchkiss who lives in San Augustine came forward and addressed the people in my behalf, and on hearing him they agreed to wait the result of my operations. I thought it advisable to visit the settlers at their houses at the several settlements east of Nacogdoches, which I think has had a good effect, as I flatter myself I have succeeded in convincing them, at least a large majority, that my intentions are to do them justice.

On arriving at this place I found Laplicher in a most deplorable situation. He had shut himself up in his house for several months as the sentiment against the New York Company had extended to him, the populace having made several attempts to take his life and he very narrowly escaped after having received a wound in the breast by a knife. The attack was headed by the man we thought friendly to our interests, to wit John Durst who has entered very deeply into the eleven league speculations and has them mostly located in our colonies. Thorn has also gone deep into the same scheme. There are also several others of this class from the U. S. who have all located large quantities of lands in the colonies and have taken their titles under Aldrete. Their great object has been and is still to produce an excitement among the settlers to the

prejudice of the company. Another source of discontent has been the arrival of several men from New York with large quantities of scrip and who have been so imprudent as to attempt the location of lands over the settlers under and by authority of their scrip—and in many instances threatening to dispossess the settlers altogether. This as you will readily suppose has irritated the people to a very great degree. There is a Col. Langworthy who has been very busy in this business and who has represented himself as the special agent of the company. He is expected here daily when I hope to convince him of the folly of the course he is pursuing.

The conflicting titles, the lawlessness of this frontier community, the envy and greed of unscrupulous men among them, and the imposition of a bogus "agent" were some of the difficulties the company had to contend with. Among General Mason's papers there is a letter from John Durst, dated March 26, 1836, on the subject of the proceedings of the Texas Convention towards the "Land Claims," in which he asks General Mason's advice as to what course they shall pursue. Arthur Henrie, "surveyor and examiner of surveys in these colonies"—as Hotchkiss describes him, had arrived also at Nacogdoches and wrote September 14, 1834, to General Mason that he had the pleasure to inform him "that the agent and commissioner are pursuing that honorable course making justice their criterion, which is calculated to give satisfaction generally, and particularly to all good men, and I have no doubt but in a short time they will be very popular here, and the feelings of the people will become entirely changed towards the New York Company, which were unfavorable before these gentlemen arrived."

But very soon Nixon, the commissioner, was asking to be removed from his office, if Hotchkiss the agent was to be retained. This was on October 12. He wrote again to General Mason, November 2, 1834, expressing himself as much pleased with "Major Henrey" but giving copious details as to the causes of dissatisfaction with Hotchkiss, who was apparently neglecting the company's interests for his own. He reports as to his own work:

"I have admitted those who had a certificate from the United States, to have lands, and all others that could bring a good recommendation from the authority of this Government which they bring from the alcaldes, certifying them to be honest, industrious and friends to the laws and religion of the country, and they have produced something [over] 300 of them which I have granted or-

ders to." He goes on to speak of the service he had rendered in overcoming the opposition to the company: "For when I came I found every person in the country much opposed to the company, and many persons opposed to Hotchkiss, yourself and even Mr. Laplicher. But, sir, I had my share of influence, and at this time I think all is well." The letter continues: "I wish to God some other man was here instead of Hotchkiss, or I were away. The other day I received a letter from a friend of mine saying that Don Ramon Muskes¹ was trying to have me removed. Chambers has returned to San Felipe as the Judge, but no congress has confirmed his commission as I am informed. Chambers has wrote a long letter on here to the chief of this place and the people of San Antonio has recommended a convention and wish it held in Bexar. But the people of San Felipe are opposed to it, and this town wont have time to call the people together and elect the members. Col. Austin as letters say by the last mail is still in Mexico and his case is not decided." In December, 1834, Nixon wrote again to General Mason, about the affairs he had in charge, saying of Hotchkiss: "I have lost all confidence in the man, and I think you will say the same when you see how he is acting. . . . I have not spoke to him for some time [but] the other day I was over persuaded to go to his house with a farmer to see about his claims, and Mr. Hotchkiss spoke to us as if we had been his servants, in fact, sir, he is an overbearing man, and a rough kind of a man. And I have always supported him to all persons when I have heard him spoken of, and in all things taken his part. But now, sir, I find him the enemy of us both."

In the spring of 1835 the trustees of the Galveston Bay and Texas Land Company were horrified at the discovery that their scrip was of no value in Texas. And they turned to General Mason as their attorney, commissioning him to renew their contracts with the government at Monclova. A long letter of instructions was written to General Mason, March 9, 1835:

Dear Sir

Upon the receipt of a letter by Mr. Treat from Mr. Morgan informing him that both our scrip and orders for preparatory surveys were refused both by Mr. Hotchkiss and Mr. Nixon, the perfectly appalling and ruinous intelligence was communicated to Mr.

¹Musquiz.

Sumner. His prompt arrival here discloses that the impression made on his mind was in perfect coincidence with that of Mr. Treat and his company whose object in sending an agent into Texas was thus in a great degree defeated . . . We hasten Major Allen's departure by the shortest route that he may meet you and Mr. Hotchkiss and get these matters set right *before the arrival of the persons to whom we have sold scrip with the assurance of its being an essential prerequisite to the obtainment of a title* and whose just complaints against us if they find it otherwise will resound through the U. States, not only to the loss of our reputation, but producing the impression which must be ruinous to Texas that such is the confusion and difficulty in obtaining titles they will have nothing to do with it. . . . The emigrants from this country whom we wish most to engage are men of property who from the embarrassments of commerce and other sources of emolument in our large towns are disposed to go where they can see a better prospect for extending their income and of settling their children with better hopes than they now enjoy, and but for this unaccountable proceeding at Nacogdoches, we should have taken great pleasure in informing you that already were many such in several of the small commercial towns in New England engaged with great solicitude in inquiring into the title and circumstances of the colony with the intention of emigrating. . . . It is not only a matter of true policy but of just pecuniary calculation for all those who are engaged in the same general object, to come in for their share of the general prosperity than for anyone to monopolize the whole benefit of any particular branch. It has always, therefore, seemed strange to us that Austin and Williams instead of running down our company should not have seen that through our successful operations they would derive an immediate and direct accession to the value of their own domains which it will take them many years to gain without. . . . To apply these principles to a single case will be sufficient to show the advantage of the plan we took from your suggestion of making preparatory selections of proper sites for those with whom we are contracting with a certainty of securing to them a clear and indefeasible title, an intimation has been given to Mr. Sumner from a class of operatives from Lowell headed by a man worth \$40,000, that when his locations are made and a proper site for their business selected, they will remove and put up a cotton factory. But what inducement will Mr. S. have further to prosecute this undertaking unless he is to have some more benefit than the little modicum of his proportion of advantage derived from the *premium lands*? The same argument applies equally well to the exertions of all the rest which will be immediately discontinued unless the plan we have adopted of securing the locations which individuals shall make preparatory to settlement is strictly adhered to. . . . We were well aware

that there was a prejudice against our scrip in consequence of the disregard paid to it, under the introduction of the law of 6 April, 1830. It was indeed then of no validity. There was no agent admitted to act for us, nor any commissioner for him to act through and consequently no title could be obtained by it. That law is now repealed; the agent is there, instructed to act according to it, and by his certificate of consent to the admission of a colonist, the commissioner receives him. As you properly expressed it in your letter of instructions to Capt. Hotchkiss, the scrip was to be received by him as the evidence of our consent to the possessors settling within our contract and not as the formal assent of the Empresarios to the commissioner. The qualifications and circumstances of the person presenting the scrip to the agent of the contractors was to be made known to him and this was to be communicated to the commissioner by a proper written certificate upon the colonist's petition for title. . . . It has been issued and is spread all over the country and valuable considerations paid for it.

Hotchkiss was to be told that he could not remain the company's agent if he did not honor their scrip. It was complained of him by the trustees that he had neglected the instructions given him by General Mason on the 24th of June, 1834; that he neglected to make monthly reports and give the information required of him by the aforementioned letter; and that he admitted settlers for a price fixed by himself without instructions from the company, or even informing them of his action.

Among General Mason's papers is the certificate, or "Scrip No. 870" of the Galveston Bay and Texas Land Company, with the attestation of both Arthur Henrie and Thomas J. Rusk, that it "was never of any value in Texas, and never recognized by any authority in the country. It represents no title, was refused by the commissioner for making titles within the colonies named, and no land was ever acquired by anyone under it. It was a falsity arising doubtless from a misconception of the law, and many intelligent men in ignorance of the law were deceived by it." Henrie signs himself "Attorney for some time acting for the Empresarios and Inspector of Surveys made under them." This paper is dated Nacogdoches, July 25, 1837, Rusk adding his legal opinion a few days later.

Two other letters of instructions were addressed to General Mason by the trustees in March, 1835, the latter being sent to him at Matamoras. Major Henrie wrote to him from Nacogdoches, April 1st, telling of the continued difficulties between Hotchkiss

and Nixon, and of an accusation made by Hotchkiss against Laplichier of embezzling the funds, an unjust charge as Henrie thought. One of the irregular proceedings of Major Hotchkiss detailed in these letters was his neglect in classing the land surveyed into arable and pasture lands, as the law required. Hotchkiss wrote to General Mason at Monclova, April 15, from New Orleans, calling Laplichier a "consummate villain," and declaring that during a long illness from which he had recently recovered, both Nixon and Laplichier had acted in a most unwarrantable manner keeping back all the fees of the office on the plea from Nixon that General Mason was holding a large part of his property, and from Laplichier that his salary was in arrears. He had left Major Henrie as the company's agent in his absence. Hotchkiss reported for the company: "We have received up to the first of the present month 642 families—about 300 in Zavales, 185 in Vehlein and 155 in Burnet's." Nixon wrote to General Mason from Nacogdoches, April 21st, defending himself against the charges made by Hotchkiss: "As relates to the fees I have received I always left one half of them in the office with Mr. Laplichier for Mr. Hotchkiss as your agent, but on the 5th of March he made an attempt to lock out Mr. L. and take forceable possession of my office, which caused me to take the papers to my house, and ever since I have kept my office at my house, and have a proper account made of all the fees, and as soon as I can understand whether I am entitled to them, or what are my fees, then I am willing to divide them according to contract." Of Laplichier Nixon wrote: "He is the only man in the country calculated to do the business in the office, and no other man can translate the Notes better. He is an honest man, though Hotchkiss has charged him with embezzling the money, and that on oath, though Mr. L. is ready and willing to settle and account for every dollar he has received." An interesting letter from Major Henrie, giving an account of affairs at Nacogdoches was dispatched to General Mason May 4th, 1835, in which he says:

I am aware of the difficult situation you are placed in, and nothing but your application and good sense can surmount the difficulties which you have to encounter in giving satisfaction. Major Nixon is popular with the people, and I do not know of anything he has done to be objectionable to the New York Company. He has made many thousand dollars for the government by having the true number of Labors of arable land returned which each League

contained as near as practicable. Mr. La Plechier was turned out of office by Mr. Hotchkiss as I stated to you. His business habits and talents can not be supplied, and I hope (for the good of all concerned) that you can procure his services again.

A Mr. Pinckney of New York has obtained a permit to select and survey four hundred sitios for families which Mr. John Davis of New York is to introduce. But he has too much good sense to do any more than to take all advantages he can from his permit to get clear of a bad bargain. General Russell is here surveying 52 sitios for families which General Sumner is to introduce. A Mr. Cushing is here surveying between 40 and 50 Leagues for families which Mr. A. Dey of New York is to introduce, and he has also a permit to survey 130 sitios for the Pilgrim Company of New York. We have issued about 800 orders of survey to settlers. And I have personally examined, calculated, made the necessary Plats, and arranged the field Notes, in a proper manner to include the quantity of Land as surveyed, for three hundred titles. We have about 14 surveyors in the field.

Nixon wrote to General Mason on the 5th of May: "The Trustees seem much disappointed in their expectations about their scrip as it has not been respected and they find much fault with their agent, and also they have written me a long letter hoping I will reconsider my opinion and give it in favour of their Scrip. But from the understanding I have of the law I have nothing to do with Scrip, and I can only receive the settler when he appears and gets the consent of the agent and presents his recommendation and takes the oath. But I cant grant order of survey for people that are in the United States." Nixon tells General Mason: "Major Henrie is your friend, and is an honest man if I ever saw one and you may depend on him, and if he had of had the power [sic] long before this you would have had titles for all your lands, and he has often spoken with surprise to me, and would say you would be much disappointed when you came to know that you had nothing done for you. There is something strange in the conduct of Hotchkiss that I cant understand."

There was something "strange" also, apparently in the conduct of Nixon, for among General Mason's papers is the copy and translation of the bond given by Nixon to Mason, June 23, 1834, which states that Mason had "petitioned the Government of the State of Coahuila and Texas for the appointment of George Anthony Nixon of Monclova to the office of commissioner for the purpose of issu-

ing titles to land in the colonies of Lorenzo de Zavala, David P. Burnet and Joseph Vehlein." And it is further declared "that the fees of said office shall be equally divided between both [Nixon and Mason] . . . and Mason shall bear the expenses of the office such as salaries of clerks, rent of the office, fuel—and stationery, etc." At the foot of the paper is this note in General Mason's handwriting: "The fees collected by Nixon on the above obligation amount to about \$20,000—not a dollar of which has been paid over, while the expenses of the office have been defrayed by me. J. T. Mason."

There is an alphabetical list preserved, made by Arthur Henrie, of the "names of colonists received under the contracts of Burnet, Vehlein and Zavala, with the number of labors of arable land in each league." There are 937 names in the list.

The State of Coahuila and Texas, passed among other colonization laws of 1834-'35, one dated April 19, 1834, authorizing the governor, in order to pay the militiamen employed against the Indians, to "take of the vacant lands to the amount of four hundred *sitios*, distributing them agreeably to the rules and conditions he shall establish." General Mason was in Monclova at this time and, at the request of the Governor, he made a contract with him for the purchase of three hundred leagues of this land. These were the eleven league grants before mentioned. And it was one of the grievances that Mr. Amos Dey, the trustee opposed to General Mason, had against him, that he had purchased the eleven league grants for himself and other gentlemen and not for the company. General Mason replied to this charge showing its groundlessness, and that his resignation as agent was not made for this purpose, as was insinuated. Among other things, he said:

Six or eight months before my return to the United States I apprised the Trustees I could not continue the agency for reasons set forth in my letters—the principal of which was my long continued absence from my family, their ill health, my loss of time without adequate reward, etc., etc., and all this was said long before I had any eleven league grants or expected to purchase any, for I had no funds to do so with, and had no expectation of acquiring any. On my return home after 18 months absence and without having heard from my family for nine months, I found my wife in very bad health and that two of my children had died during my absence; and if any previous intention of quitting this agency wanted strengthening it was found in these circumstances.

General Mason's purchase of the 300 leagues was made on joint account with George A. Nixon, who was to advance two thousand dollars in cash towards effecting the contract, and thirteen thousand, five hundred and twenty dollars in merchandize, this being required before the execution of the papers by the governor. A translation of this "contract" is among General Mason's papers. His letter to the governor is dated, "Monclova, 6th June, 1834," and in it he says that "being advised of the law of April 19th of the present year authorizing your Excellency to dispose of four hundred leagues of the vacant lands of the State, he has indulged the hope of obtaining a contract with a view of increasing the population and wealth of this State, and of procuring for some virtuous and industrious families the means of acquiring an honorable livelihood." In a long "memorandum" explanatory of this contract, General Mason writes:

In June, 1834, I made a contract with the Government of the State of Coahuila and Texas for 300 leagues of land—the purport of which contract was that I should be authorized to sell the lands as governmental agent (see the certificates which are an exposition of the contract) and pay for them a stipulated price, all over was to be my commission and profit. The law authorizing the sale of 400 leagues is one of general character and for objects set forth. The existence of such a law was unknown to me till the contract was proposed to me by the Governor,—and was only taken at his pressing solicitude—after he rejected the various offers made for the lands. The remaining 100 leagues were purchased by different persons. Of the benefits of this contract I agreed to let George A. Nixon have one-half.

General Mason goes on to tell of his arrangement with Nixon and of his plans to effect a sale of his certificates, and adds:

Great difficulties existed in making a sale, owing particularly to a statement of Thomas J. Chambers and brought to New York by Morehouse, that the Governor had no authority to sell the lands but should distribute them among the troops to be employed in defence of the Indians. The best and only contract I could make therefore was a consignment with an advance of money on it and a conditional sale, one of which conditions was that the Legislature should confirm the authority of the Governor to sell,—but leaving it optional with the purchasers to take the certificates or return them upon their advances being refunded. This contract was made in February [1835]. Upon this contract I proceeded to Monclova and paid for the lands.

Of this journey to Monclova in 1835, General Mason wrote, in his letter to the Texas Land Company already quoted, telling of receiving a letter from them just as he was embarking from New Orleans to Monclova. He had been delayed in New York, and in going for his wife, as he was taking her on the sea voyage for the benefit of her health:

I had given the information frequently to the Trustees that the Legislature met on the 1st January and adjourned on the 1st May, and that I wished to be there by the 1st of April, when the new Governor would go into office. But from a long and difficult voyage by sea and delays by land, I did not at last reach Monclova till the 3d May, having sent on an express to the Legislature (which arrived on the 30th April in the morning) to ask them to continue in session till I arrived; which they could do, as the Constitution authorized them to prolong the session one month by a special decree. They did continue in session till the 20th of May. Now if I had had any agency [for the company] the events proved, as I anticipated, that I could not have attended to it, and therefore I urged the appointment of another agent. The pressure for time was such that I was in Monclova only two nights, had to go 300 miles to Monterey and back, was one night again in Monclova and found the Governor and Legislature had all run away before my return and I had to follow them on their route to do my business.

In a paper endorsed "Expenses on the contract for 300 leagues," General Mason says:

The expenses that were to be incurred in consummating the contract for the 300 leagues of land, were to be borne equally by Mason and Nixon; and Mason forebore to charge commissions, or for his personal services. Mason was almost exclusively engaged in effecting this object for eighteen months—from June, 1834, to February, 1836. He left Monclova in June, 1834, proceeded to New York, remained there till February, 1835, before he effected any arrangement. In May following he arrived at Monclova, by the way of Orleans and Matamoras, went to Monterey for the specie, paid the Government, and returned to New York, as per contract with the gentlemen who advanced the money on the certificates.

An additional contract, dated Monclova, 23d May, 1835, confirmed the contract of the 19th June, 1834, and in consideration of the "privilege" granted, the contractor agreed to pay in addition to the price of the land the sum of five thousand dollars. The price of the land as originally contracted for, was one hundred

dollars a league of arable land and fifty-five dollars a league of grazing land; the 300 leagues to be in eleven league grants, one hundred arable land and two hundred grazing land.

The grave charges made against General Mason by Judge T. J. Chambers, and repeated by his nephew William N. Chambers,¹ must have appeared preposterous to those who knew General Mason personally, his Christian probity of character and high sense of honor. To General Thomas J. Rusk, chief justice of Texas, one of General Mason's intimate friends, and his trusted agent and legal adviser, General Mason gave the original contract above described, which is thus receipted, and signed in the handwriting of General Rusk:

Received of Genl. John T. Mason the original contract made by him with the Government of the State of Coahuila and Texas on the 19th day of June, 1834, for the sale of three hundred leagues of land, together with the additional contract in relation to the same and confirmatory thereof, and also the receipts and vouchers showing a full payment and compliance on his part with said contracts.

Signed in duplicate, Nacogdoches, 8th August, 1837.

Thos. J. Rusk.

General Mason has also left with me the commission of James Bowie from the Government.

Thomas J. Rusk.

The Revolutionary government of Texas repudiated the sales of land made in 1834 by the Government of Coahuila and Texas, going so far as to name General Mason's contract as annulled by them, in the first Texas Constitution. Of this action General Rusk gives his "opinion" in an undated paper containing his autograph signature. It is as follows:

To Genl. John T. Mason

Sir

At your request I have examined your contract with the Government of Coahuila and Texas for the purchase (sale) of 300 leagues of land; and am of opinion that the contract when made was strictly legal, and that when a decision is pronounced it will be in favor of the contract. The article in the Constitution cannot have any influence on it: but it must be determined by the

¹See Eugene C. Barker, "Land Speculation as a Cause of the Texas Revolution," *THE QUARTERLY*, II 76-95.

judiciary upon its merits. The article in the Constitution does not by any means identify the contract, and many of the members of the Convention who voted for its insertion are ashamed that it is there.

(Signed) Thos. J. Rusk.

General Mason made his last journey to Texas in 1849, dying of cholera at Galveston, on his way home, in the spring of 1850. The following letter, written to him while at Galveston, from the seat of government at Austin, refers to those "Mexican claims" which were still unsettled though sixteen years had elapsed, and the Republic of Texas had come into the American Union.

Austin, Texas, January 15th, 1850

Gen. John T. Mason

My dear Sir

I have requested Mr. Fields the Representative from Liberty and Polk Counties to send you a copy of the reply he has made to Gen. Chambers. I think he will probably write to you upon the subject of the interest and bribe, that Chambers alluded to, as growing out of your grant from Coahuila and Texas. I have known Mr. Fields for several years, and he is a gentleman of character and integrity. Gen. Chambers is preparing, it is said, an answer to the reply of Fs. I also send you Hunt's "Letter to Houston." This is a very able letter, and stamps the author as a man of erudition and genius.

We may possibly adjourn by the 1st of February, but I hardly expect it will be before the 10th or 15th, tho' many of the members are anxious to get home. Resolutions have passed the Senate unanimously, and will doubtless pass the House so too, in relation to the powers of the General Government. These resolutions are *verbatim* the great Resolutions that John C. Calhoun introduced into the Senate upon the Oregon question—and are the same that Benton asserts were intended as a firebrand to bring about disunion, and all other horrors not contemplated by the Constitution! They are the same that Houston would not touch with a ten foot pole! "Well we shall see what we shall see."

I delivered your compliments to General Brooke. He assured me that he had mourned you as dead, and enquired very particularly about your health.

I found Jos. Denison, Esq., Att-at-Law of Matagorda on board the Packet when I left Galveston. He is the gentleman you wished to see, and I told him I had been on the lookout for him to introduce him to you, as you had some matters that might probably come before the courts, and his name had been favorably mentioned to you. He told me he had occasion to look into your grant thoroughly in connection with a claim somewhat similar. He re-

gretted that he did not see you. He doubtless will be glad if you write to him in relation to business. I mention this that you may know his address, etc., if you should require his services.

I hope your health has improved from the quiet retiracy of your Gulf retreat. My compliments to all friends.

I remain with great esteem your ob. friend

Jno. G. Tod
of Texas.